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JC955

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Sir:

Transmitted herewith for filing is the patent application of:

Inventor(s): Vivian A. Schramm and Michael R. Schramm

For: **SPILL-PROOF CANDY CONTAINER**

Enclosed are:

- ☒ A specification consisting of: a 12 page disclosure, 4 page(s) of claims, and an abstract of the disclosure.
- ☒ Declaration.
- ☒ Three (3) sets of formal drawings, each set consisting of 5 sheet(s).
- ☐ An assignment of the invention to _____
- ☐ A Power of Attorney executed by the Inventor(s)/Assignee.
- ☒ A verified statement to establish Small Entity status under 37 CFR 1.9 and 37 CFR 1.27.
- ☒ An Information Disclosure Statement.

CLAIMS AS FILED

			<u>Small Entity</u>	<u>Other than Small Entity</u>
Total Claims	<u>20</u>	-20 = <u>0</u>	x \$ 9 = _____	or x \$18 = _____
Independent Claims	<u>3</u>	- 3 = <u>0</u>	x \$ 40 = _____	or x \$78 = _____
Multiple Dependent Claim Presented			+ \$130 = <u>0</u>	or +\$260 = _____
Basic Fee			\$ <u>355</u>	or \$ <u>710</u>
Recording Fee for Assignment (\$40.00)			\$ _____	or \$ _____
TOTAL FILING FEE:			\$ <u>355</u>	or \$ _____

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PATENT



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For: **SPILL-PROOF CANDY CONTAINER**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled **SPILL-PROOF CANDY CONTIANER** described in

[] patent no.: _____, issued: _____

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

[] persons, concerns or organizations listed below*

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date _____

Date.

General information	
Study	1997-2000
Country	USA
Study site	University of California, San Francisco
Study design	Retrospective cohort
Study population	100000
Study period	1997-2000
Study duration	4 years
Study objectives	To determine the risk of developing a second primary cancer in patients with a history of a first primary cancer.
Study results	The risk of developing a second primary cancer was significantly increased in patients with a history of a first primary cancer, compared with the general population. The risk was highest for patients with a history of a first primary cancer in the head and neck region, and lowest for patients with a history of a first primary cancer in the digestive system.
Study conclusions	The risk of developing a second primary cancer is significantly increased in patients with a history of a first primary cancer. The risk is highest for patients with a history of a first primary cancer in the head and neck region, and lowest for patients with a history of a first primary cancer in the digestive system.

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Study conclusions	The risk of developing a second primary cancer is significantly increased in patients with a history of a first primary cancer. The risk is highest for patients with a history of a first primary cancer in the head and neck region, and lowest for patients with a history of a first primary cancer in the breast.

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SPILL-PROOF CANDY CONTAINER

This application is a continuation in part of co-pending application serial number 09/287,798 filed April 7, 1999, which was a continuation in part of co-pending application serial number 09/021,617 filed February 10, 1998 and since issued June 1, 1999 as US #5,908,057, which was a continuation of co-pending application serial number 08/608,854 filed February 29, 1996 and since issued November 10, 1998 as US #5,832,969, which was a continuation-in-part of co-pending application serial number 08/086,541 filed July 1, 1993 and since issued March 5, 1996 as US #5,495,876, which was a continuation-in-part of co-pending application serial number 07/828,345 filed January 30, 1992 and since issued September 21, 1993 as US #5,246,046 and reissued March 9, 1999 as US #RE36,131. The benefit of the filing date of this earlier filed application is claimed under 35 U.S.C. § 120.

BACKGROUND OF THE INVENTION

The present invention relates to containerized particulate candy and more especially to particulate candy combined with a solid form candy in a spill-resistant container. The invention has particular application for ease of use by young children in consuming particulate candy without the normal mess and spills typically associated with the consumption of such candy by children.

It is known that spill-resistant containers have existed for some time and are commercially available in many embodiments. Samples of such spill-resistant containers are found in Applicant's co-pending application and other applications by Applicant which have matured into U.S. patents. Furthermore, included in the previously known group of spill-resistant containers, is the non-spill container disclosed in US patent 5,105,975, as well as the no-spill bowl and no-spill mug intended for drinks and soups and the like and manufactured by Little Kids, Inc. These references were disclosed in applications from which this application continues. In the candy industry, it is also known to provide a lollipop with a holder connected to the lollipop handle wherein such holder is of a generally pliable material and is in the form of a recognizable object such as a cartoon character. An example of such lollipop holder is found in US patent 6,090,420 by Coleman et. al. It is also known that containers of particulate candy,

such as flavored powder candy, in combination with a hard candy such as a lollipop type candy have existed. Samples of such containerized candy combinations are found in US patent 5,370,884 by Coleman, and US patent 5,993,870 by Hoeting et. al. and in commercial products such as “Fun Dip” by Nestle USA, Inc., and in “Crazy Dips” by Chupa Chups USA. Some such combination particulate candy containers and lollipops have been designed to take on the shape of amusing recognizable shapes such as the “Bottle Pop” by The Topps Company and the “Lollipop Paint Shop” by Impact Confections, Inc. However, the prior art has failed to provide a spill-resistant container of particulate candy with or without a lollipop type hard candy and more especially, the prior art has failed to produce an easy to use spill-resistant candy container. The spillage of particulate candy can be a significant problem, as is attested to by the cautionary label of the “Lollipop Paint Shop” candy which reads: “If spill occurs on carpet do not wet the powder. For dry spill vacuum completely. If stain still appears or is wet do the following: Saturate the stain in vinegar. Use a professional steam cleaner vacuum to extract the solution. Continue to soak and extract with the vinegar until the dye is completely removed. Rinse with water and extract. If the stain still remains it is recommended to call a professional carpet cleaner. Do not use soap or any over the counter solutions on the powder”.

Of the many references cited above, only the Hoeting patent attempts to overcome the problems of mess and spill associated with consuming particulate candy alone or in combination with a lollipop type candy. In referring to the Coleman patent, Hoeting states, “To use the device of U.S. Pat. No. 5,370,884, the user must employ both hands to unscrew the cap and must dip the sucker into the powder reservoir. This device requires a level of dexterity and coordination often lacking in children, can result in spillage and is difficult to use in a manner which will provide uniform coating.”. Hoeting continues, “It is therefore an object of the present invention to provide a device for both cleanly storing a confectionery product having a handle and for coating such a product with a granulated or particulate material in a generally uniform manner, all while minimizing spillage.”. While the Hoeting device may provide for some resistance to spillage while the container is closed, there is no access to the candy when the container is in the closed position. Worse yet, the Hoeting device also requires two-handed use or a level of dexterity and coordination often lacking in children in order to open and close the device. In opening the Hoeting device, which the user must do to access the candy of the Hoeting device, the user must unsnap the top container member from the bottom container member. This unsnapping action

can cause the container to be jarred or shaken when the top is opened causing the particulate candy to readily spill out of the container. Furthermore, it is inherent in the process of coating the sucker of the Hoeting device to invert the container. If the user, typically a child, does not properly reorient the container in the upright position before opening the device, the container's contents are readily spilled. Also, if the container is not snapped tightly closed and then is bumped, dropped or tipped over, the container may again readily spill its contents. Additionally, as the lollipop of the Hoeting device is intended to stay within the container while the lollipop is consumed, the container of the Hoeting device can be an obstruction for the user in accessing the lollipop.

It is therefore an object of the present invention to provide an easy to use spill-resistant container and clean storing receptacle for both edible particulate matter and for lollipop type confections.

SUMMARY OF THE INVENTION

The present invention relates to a spill-resistant self-contained container of an edible particulate matter combined with a lollipop type hard candy which is removably contained within the container. The invention has particular application for ease of use by young children in consuming particulate candy combined with hard candy without the normal mess and spills typically associated with the consumption of such candy by children.

In the preferred embodiment of the present invention, the container assembly comprises a lower container member, an upper container member having an inwardly projecting funnel, a lollipop, a combination holder and plug, and a quantity of particulate candy. The lower container member is mounted to the upper container member to form a spill-resistant container containing the particulate candy. The holder is press fit to a substantially tightly rolled paper stick handle of the lollipop and the lollipop is removably positioned within the container.

DESCRIPTION OF DRAWINGS

The objects and many attendant advantages of this invention will be readily appreciated and become readily apparent as the same becomes better understood by reference to the following detailed description, when considered in conjunction with the accompanying drawings

and in which like reference numerals designate like parts throughout the figures thereof and wherein:

Figure 1 is an isometric view of the assembled preferred embodiment with the front quarter section of the lower and upper container members shown cut-away.

Figure 2 is an exploded isometric view of the preferred embodiment again shown with the front quarter section of the lower and upper container members shown cut-away.

Figure 3A is an orthographic section view of the container assembly taken substantially through the center of the container assembly as shown by the view indication arrows associated with the number 3 in figure 1 except that the lollipop, including the handle, are shown as a regular orthographic view (i.e. uncut). The particulate material is shown located in the bottom of the container assembly.

Figure 3B is a view of figure 3A rotated 90 degrees clockwise. The particulate material is shown located in a side of the container assembly illustrating the spill-proof nature of the invention.

Figure 3C is a view of figure 3A rotated 180 degrees clockwise. The particulate material is shown located in the top of the container assembly illustrating the spill-proof nature of the invention.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

In order to facilitate the understanding of the present invention in reviewing the drawings accompanying the specification, a feature list is provided below. It is noted that like features are like numbered throughout all of the figures.

FEATURE TABLE

#	Feature	#	Feature
10	Container assembly in general	38	Funnel upper opening
20	Lower container member in general	40	Lollipop in general
22	Lower container member engagement flange	42	Lollipop hard candy
24	Lower container member lower surface	44	Lollipop handle
26	Container in general	50	Lollipop holder/plug in general

and lollipop 40 passing through funnel 36, is pressed into sealing engagement with upper container member 30 by means of bringing connecting flanges 54 and 34 into snappingly locking engagement. In preparation for shipping and sale, assembly 10 is preferably shrink wrapped.

In practice, with particulate matter 60 contained within container 26, lollipop 40 is wetted, such as by the user placing the lollipop in the user's mouth, and then while holding on to holder/plug 50, lollipop 40 is inserted into container 26 by moving lollipop 40 through funnel 36 openings 37 and 38. Wetted lollipop 40 is then merely brought into contact with particulate matter 60 or with holder/plug connecting flange 54 in sealing engagement with upper container member upper connecting flange 34, container assembly 10 is shaken to cause lollipop candy 42 to become coated with edible particulate matter 60.

It is noted that mounting hole step 58 is provided so as to enable the user to mount holder/plug 50 to a pencil or like object and may be used as an eraser after using holder/plug 50 with assembly 10. Furthermore, it is noted that mounting hole 56 is preferably of such a length as to allow for position adjustment of handle 44 in holder/plug 50. It is also noted that container 26 and holder/plug may take on a number of amusing and recognizable shapes. For instance, container 26 may take the form of a jack-o-lantern with holder/plug 50 taking the shape of either a jack-o-lantern lid with a stem shaped handle or a black cat. Container 26 may further take on the shape of a cauldron with holder/plug 50 taking on the shape of a witch. Container 26 may further take on the shape of an Easter egg with holder/plug 50 taking on the shape of a bunny or chick. Container 26 may further take on the shape of a fingernail polish bottle with holder/plug 50 taking on the shape of a brush handle and candy 42 taking on the shape of fingernail polish bristles. A great many other amusing recognizable shapes are also possible.

In addition to the above description, applicant notes that the following US patents are expressly incorporated herein by reference and are considered part of this specification: 6,090,420, 5,993,870 and 5,370,884.

While there is shown and described herein certain specific structure embodying the invention, it will be manifest to those skilled in the art that various modifications and rearrangements of the parts may be made without departing from the spirit and scope of the underlying inventive concept. The subject invention is not limited to the particular forms herein shown and described except insofar as indicated by the scope of the appended claims.

I claim:

1. A container defining an inner cavity and a funnel extending into said inner cavity,
wherein said container contains a substance of one of the following group of
substances comprising a non-liquid edible substance, a particulate substance and a
candy substance.
2. The container of claim 1 wherein said non-liquid edible substance further defines a
substance of one of the following group of substances comprising a particulate
substance, a candy powder substance, a candy bead substance, a substantially hard
candy substance, a lollipop type candy substance, a particulate substance and a
solid form substance, a candy powder substance and a substantially hard candy
substance, a particulate substance and a lollipop type candy substance, and a
candy powder substance and lollipop type candy substance and wherein
particulate substance further defines a substance of one of the following group of
substances comprising an edible particulate substance, a candy powder substance,
and a candy bead substance.
3. The container of claim 1 wherein said container inhibits the spillage of said substance
when said container is oriented in any position.
4. The container of claim 3 wherein said substance defines an edible particulate substance
and wherein said container includes a lollipop type candy within said container
and wherein said lollipop type candy is removable from said container by passing
said lollipop type candy through said funnel.
5. The container of claim 1 wherein said substance defines a lollipop type candy having a
handle and wherein said handle includes a pliable holder mounted to said handle
and wherein said holder is sealingly engagable to said container.

6. The container of claim 1 wherein said funnel includes an inner opening and wherein said inner opening is located near the center of said container.

7. The container of claim 1 wherein at least a portion of said container is substantially transparent so as to reveal the contents of said container.

8. A container defining an inner cavity and an open opening and wherein said container contains a substance and wherein said container inhibits the spillage of said substance when said container is oriented in any position and wherein said substance defines a substance of one of the following group of substances comprising a non-liquid edible substance, a particulate substance and a candy substance.

9. The container of claim 8 wherein said non-liquid edible substance further defines a substance of one of the following group of substances comprising a particulate substance, a candy powder substance, a candy bead substance, a substantially hard candy substance, a lollipop type candy substance, a particulate substance and a solid form substance, a candy powder substance and a substantially hard candy substance, a particulate substance and a lollipop type candy substance, and a candy powder substance and lollipop type candy substance and wherein particulate substance further defines a substance of one of the following group of substances comprising an edible particulate substance, a candy powder substance, and a candy bead substance.

10. The container of claim 8 wherein said open opening defines an open funnel.

11. The container of claim 10 wherein said substance defines an edible particulate substance and wherein said container includes a lollipop type candy within said container and wherein said lollipop type candy is removable from said container by passing said lollipop type candy through said funnel.

12. The container of claim 8 wherein said substance defines a lollipop type candy having a handle and wherein said handle includes a pliable holder mounted to said handle and wherein said holder is sealingly engagable to said container.

5 13. The container of claim 10 wherein said funnel includes an inner opening and wherein said inner opening is located near the center of said container.

14. The container of claim 8 wherein at least a portion of said container is substantially transparent so as to reveal the contents of said container.

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15. The process of coating a confection comprising the step of placing a confection into a container of particulate material wherein said container defines a container of one of the following group of containers comprising a container having an inner cavity and a funnel extending into said inner cavity, and a container defining an inner cavity and an open opening and wherein said container inhibits the spillage of contained particulate material when said container is oriented in any position.

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16. The process of claim 15 wherein said particulate material further defines a material of one of the following group of materials comprising an edible particulate material, a candy powder material and a candy bead material.

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17. The process of claim 15 wherein said particulate material defines an edible particulate material and wherein said confection defines a lollipop type and wherein said lollipop type candy is insertable into and removable from said container by passing said lollipop type candy through said funnel of said container.

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18. The process of claim 15 wherein said confection defines a lollipop type candy having a handle and wherein said handle includes a pliable holder mounted to said handle and wherein said holder is sealingly engagable to said container.

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19. The process of claim 15 wherein said funnel includes an inner opening and wherein said inner opening is located near the center of said container.

20. The container of claim 15 wherein at least a portion of said container is substantially transparent so as to reveal the contents of said container.

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ABSTRACT OF THE DISCLOSURE

The spill-proof candy container is an invention that because of its unique geometry and design, will when oriented in any position prevent spillage of its edible particulate candy contents when filled to no more than a predetermined amount. It is principally intended for use by young children to both cleanly store particulate candy and lollipop type candy as well as to easily consume such candy without the normal mess and spills associated with the consumption of such candy. The invention is readily adapted to taken on the shape and appearance of a variety of readily recognizable amusing shapes. The invention also provides for a pencil type topper object for use after the container's candy contents are consumed.

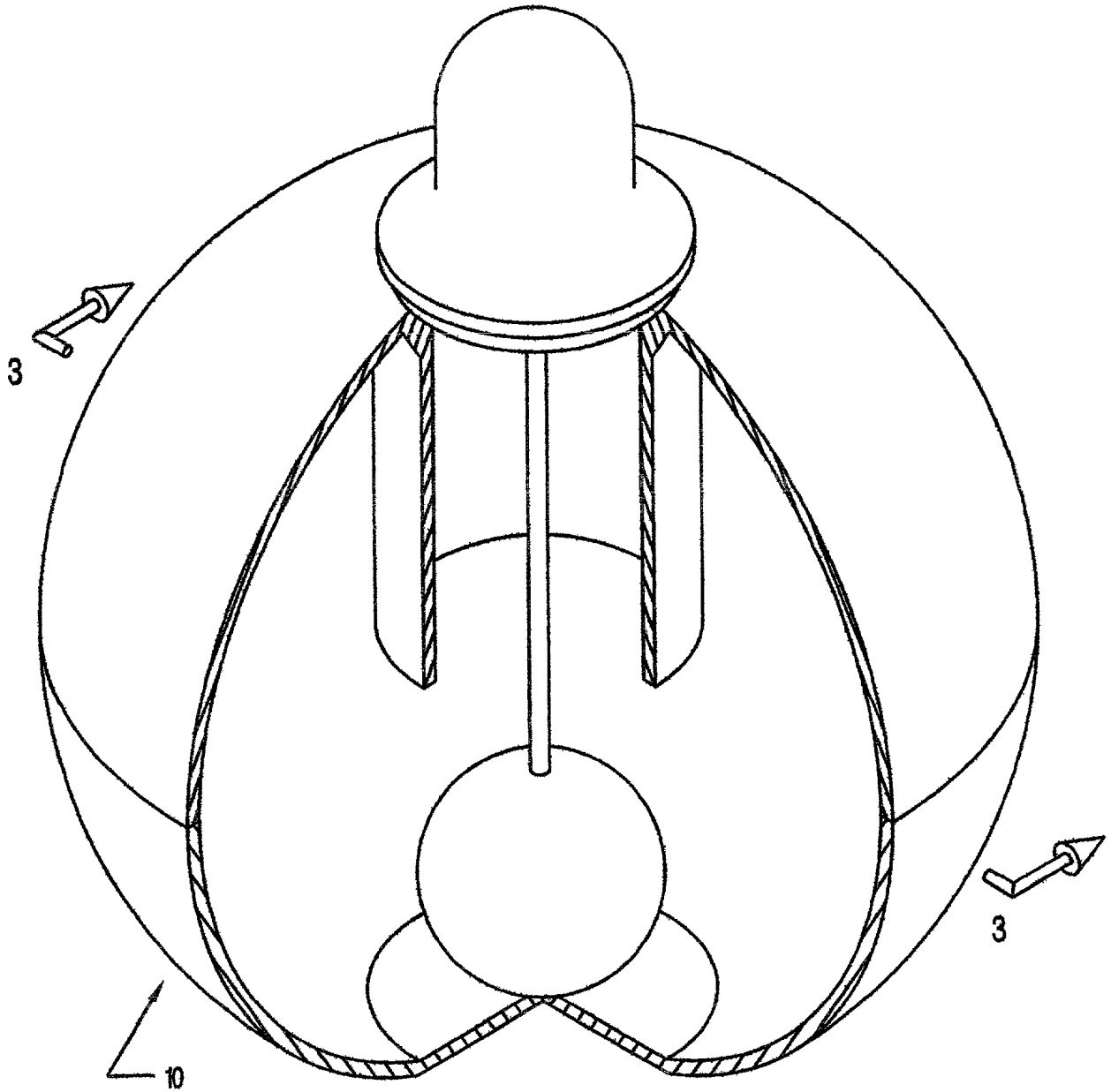


FIGURE 1

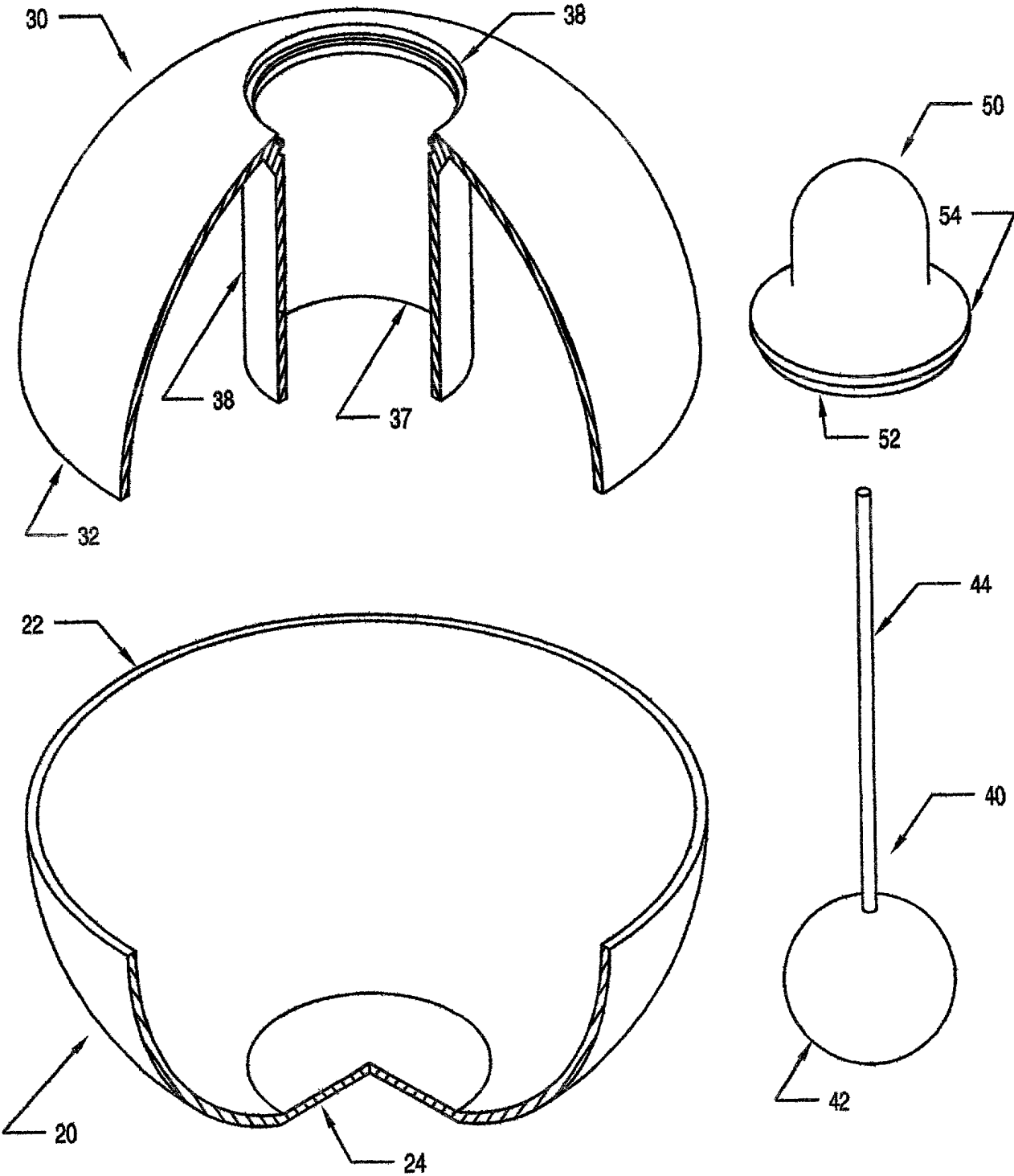


FIGURE 2

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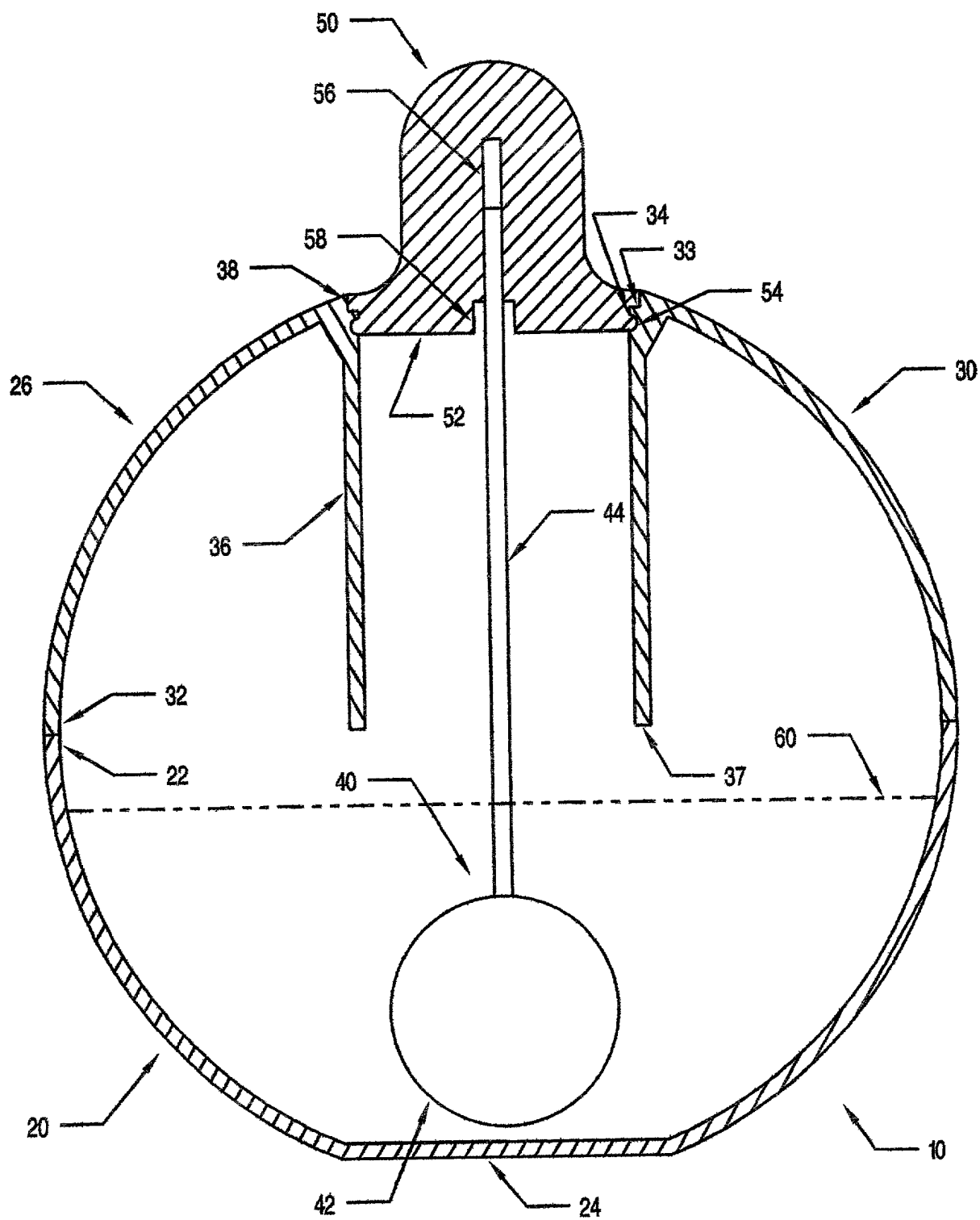


FIGURE 3A

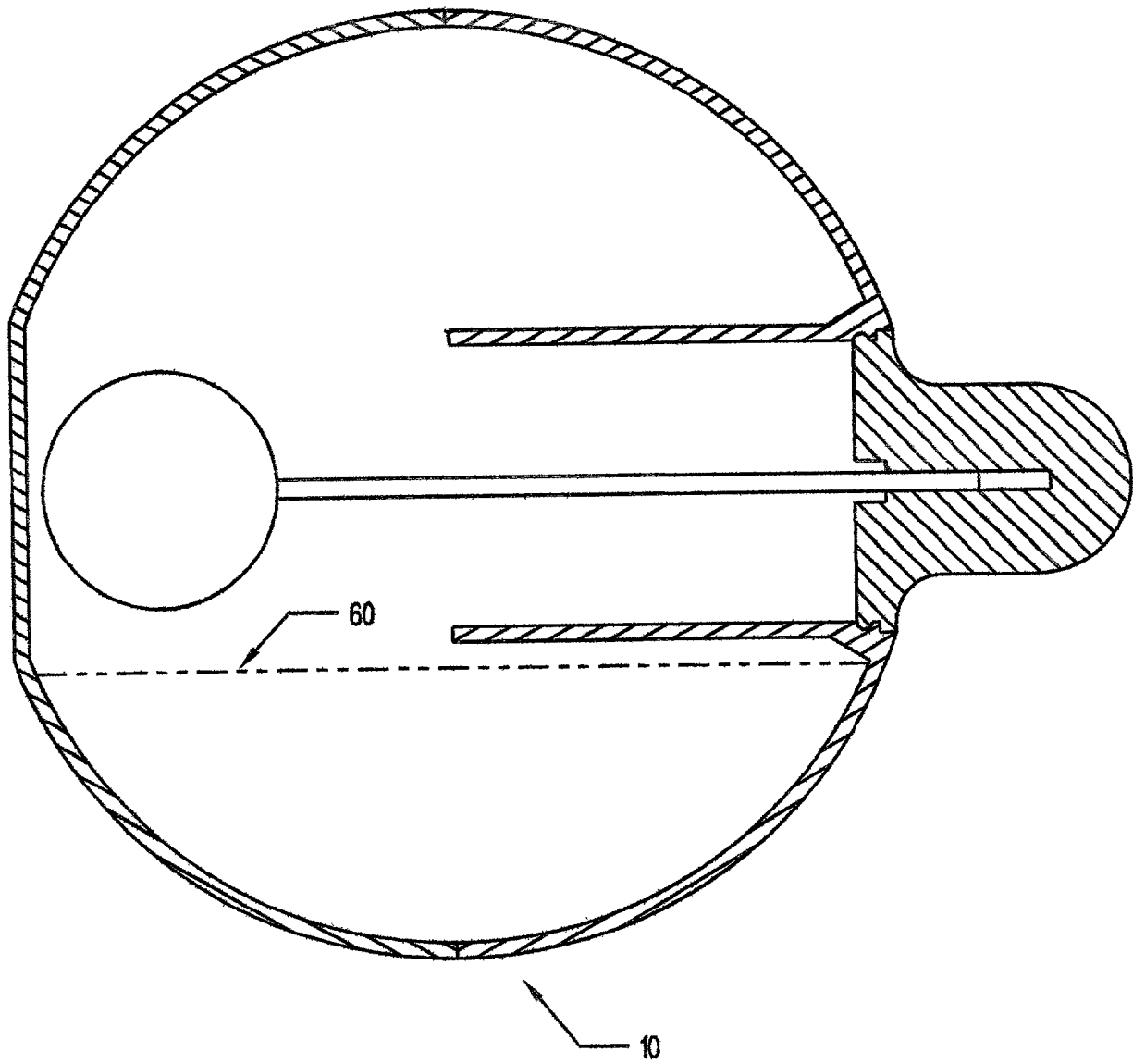


FIGURE 3B

00907456-10000

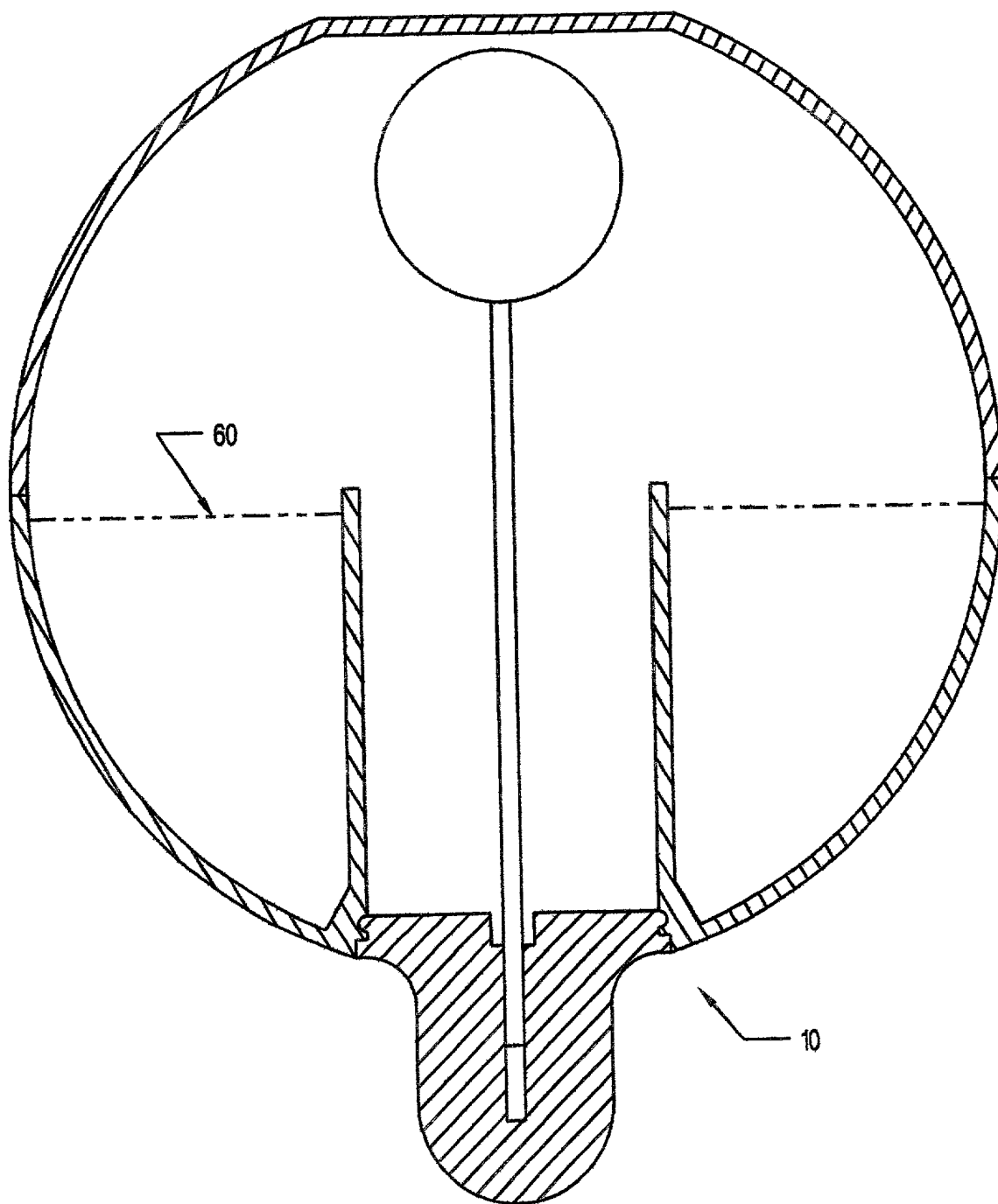
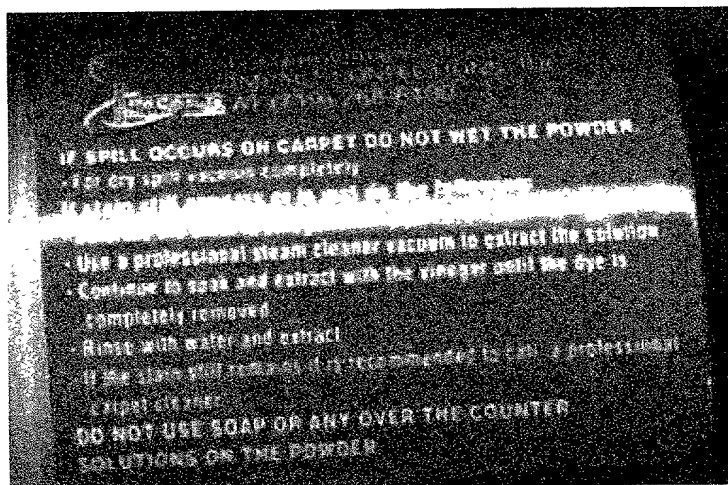
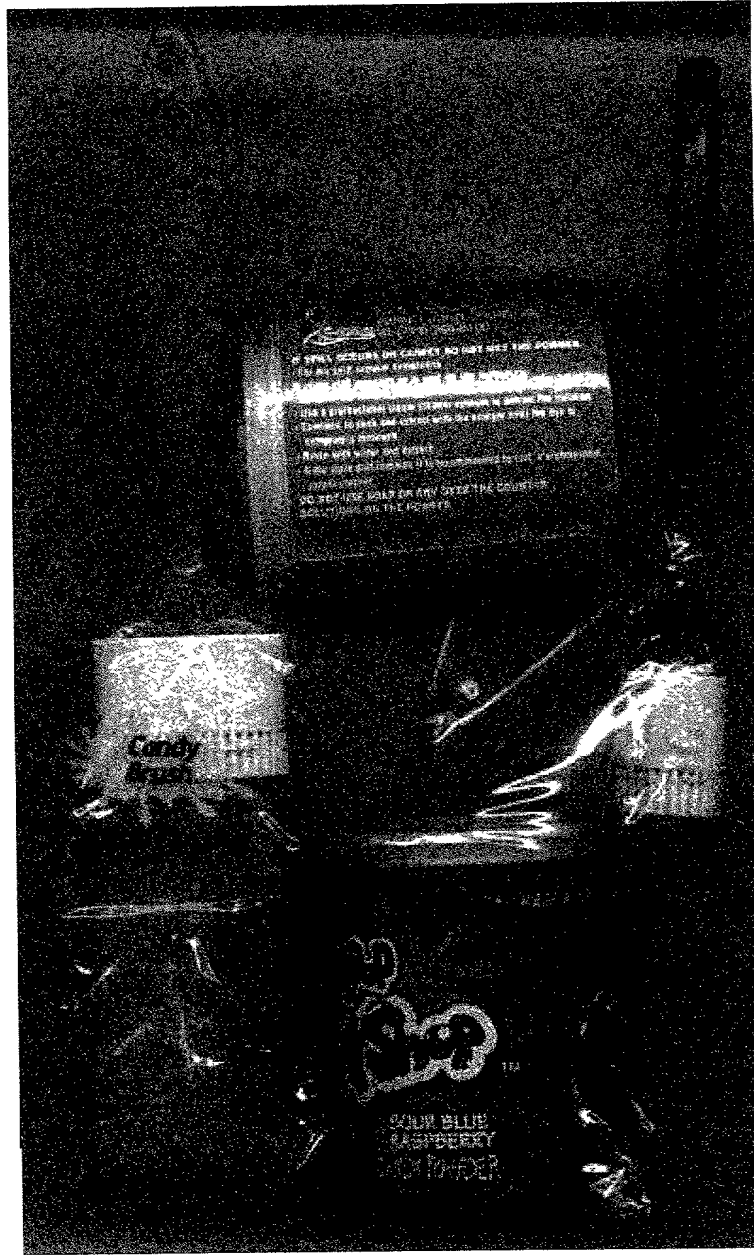


FIGURE 3C

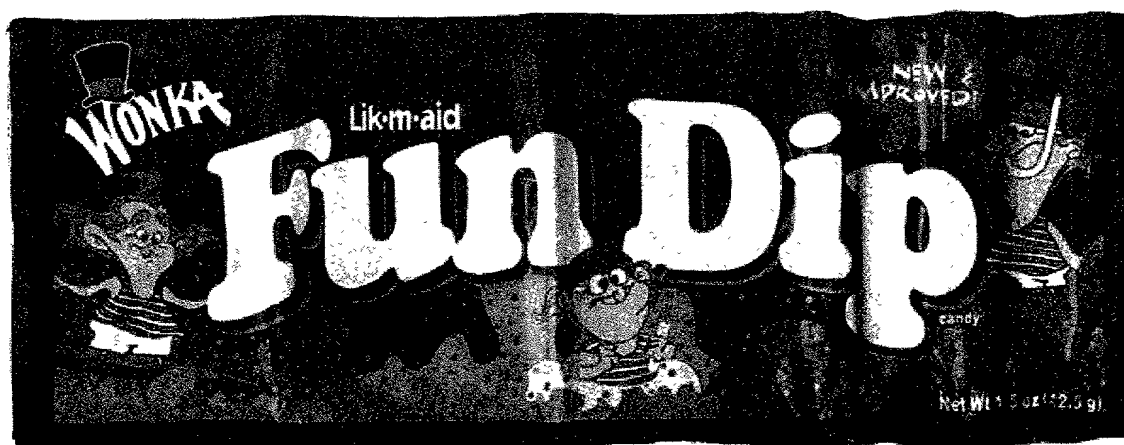
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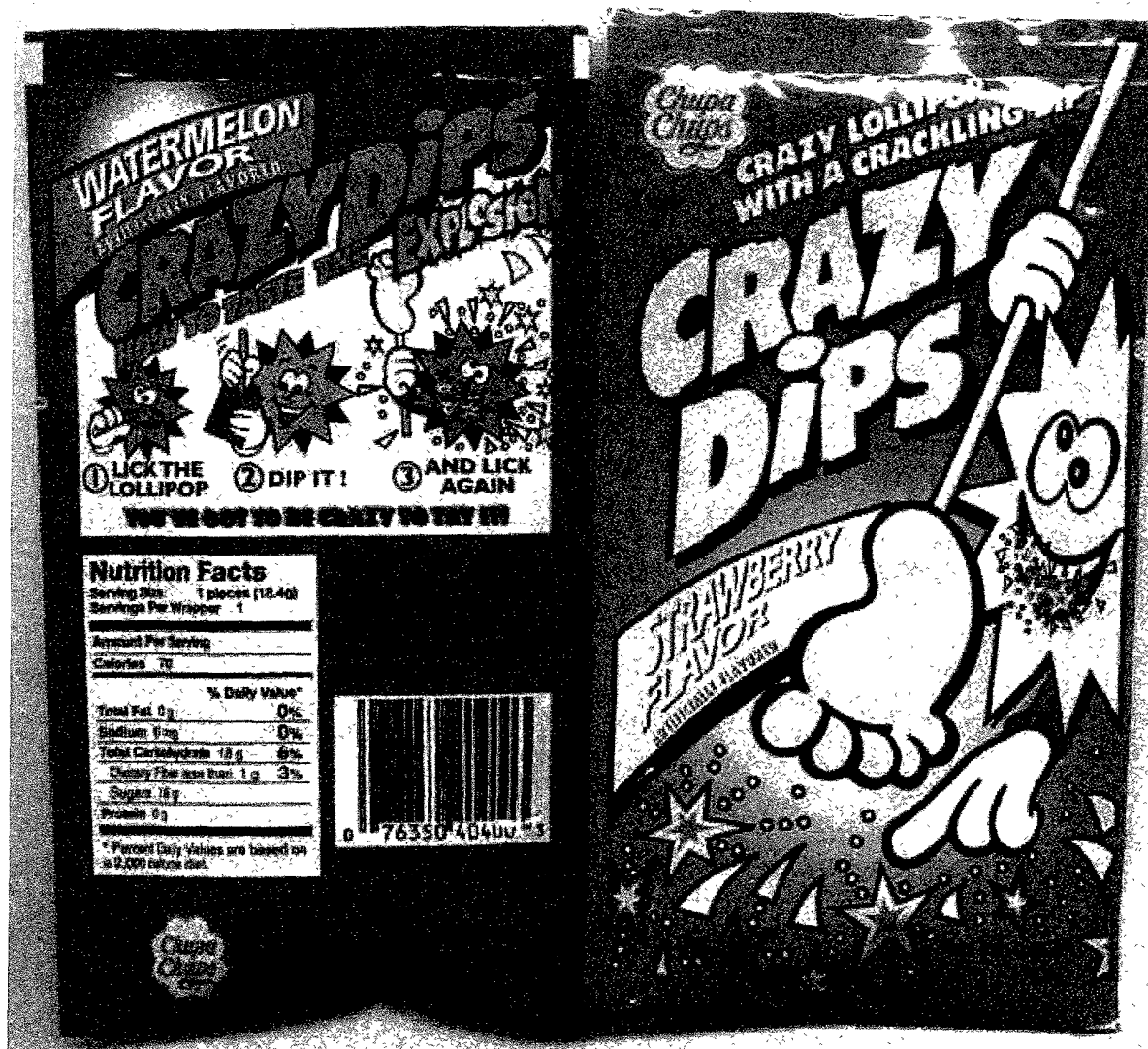


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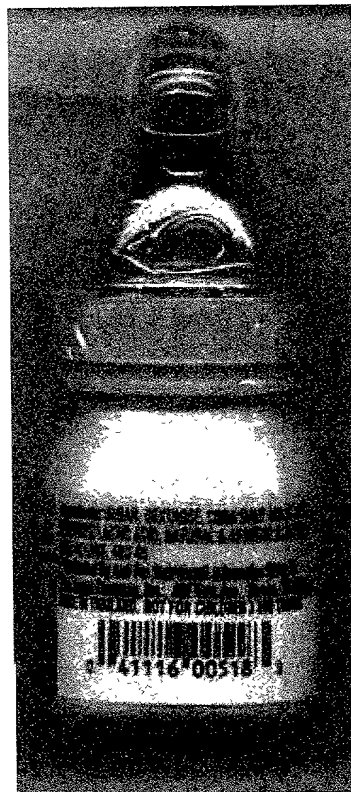
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BOTTLE POP



005674 947260

My residence, post office address and citizenship are as stated below next to my name.

X is attached hereto.
was filed on _____ as Application Serial No.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

Inventor's Full Name: Vivian A. Schramm
(First) (Initial) (Last)

Inventor's Signature:

Date: 06/Nov/2000 Country of Citizenship: USA

Residence Address: 350 West 2000 South; Perry, UT 84302
(Include number, street name, City, state, and country)

Inventor's Full Name:	Michael	R.	Schramm
	(First)	(Initial)	(Last)

Inventor's Signature: Michael R. Schramm

Date: 06/Nov/2000 Country of Citizenship: USA

Residence Address: 350 West 2000 South; Perry, UT 84302
(Include number, street name, City, state, and country)